

REMARKS

The Applicants do not believe that entry of the foregoing response will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the foregoing response be entered and that the claims to the present application, kindly, be reconsidered.

The Office Action dated March 25, 2004 has been received and considered by the Applicants. Claims 1-8 are pending in the present application for invention. Claims 1-8 are rejected by the March 25, 2004 Office Action. The foregoing amendment has added new Claims 9-13 that are generally of similar scope as Claim 1-8.

The Abstract of the disclosure has been objected to because of informalities. The foregoing amendment to the specification has corrected this oversight.

The drawings are objected to because they contain certain reference boxes that should be removed. The Examiner states that in order to better illustrate the invention, reference boxes 104 and 101 should be deleted from Fig. 1, and box 108 should be relocated outside the window 100. The Applicants, respectfully disagree. Each of reference boxes 104, 101 and 108 have been labeled to be consistent with the specification. A redlined drawing sheet is submitted with this response that contains the above disuse corrections.

The Office Action rejects Claim 8 under the provisions of 35 U.S.C. §101, as not defining statutory subject matter because the recitation for a "computer program product" per se and does not positively recite that the program is stored on a medium that can be readily used by a machine. The Examiner states, as such, the claimed invention is not directed to a machine readable medium or a manufacturer article. The Applicants, respectfully, point out that Claim 8 is a dependent claim. There is no rejection to Claim 1 as not defining statutory subject matter. Therefore, if the base Claim 1 is statutory, then the dependent Claim 8 must also be statutory. For example, independent Claim 1 recites a device for browsing an image collection. Claim 8 defines a computer program product that enables a programmable device to function as the device defined in Claim 1 when executing the computer program product. Claim 8 positively recites a program that can readily be used by a machine. There are numerous mediums that can be used to store the computer program product defined by Claim 8, and this will be readily apparent to those skilled in the art. The Applicants, respectfully, point out that electronic data

storage media such as disc drives and memory technology, as well as electrical signals can all be used to implement the computer program product defined by Claim 8 on a programmable device to provide to the device defined by Claim 1. Accordingly, the Applicants, respectfully, assert that Claim 8 defines subject matter that is statutory.

The Office Action rejects Claims 1, 7, and 8/1 (Claim 8 that depends on Claim 1) under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,317,141 issued to Pavley et al. (hereinafter referred to as Pavley et al.). The Examiner states that Pavley et al. teach all the element of the rejected claims. In order to clearly distinguish the subject matter defined by the rejected claims from the teaching Pavley et al., independent Claims 1 and have been amended. The rejected claims after amendment each recite “a portion that can be used to select characteristics of that representation”; which the Applicants, respectfully, submit is not disclosed or suggested by the cited references. The preferred embodiment of the invention employs the borders of the representations as the portion that can be used to select the characteristics of that representation. This is believed to define subject matter that is allowable over the cited references. The Applicants’ reasons for the patentability of the rejected claims with the recitation of the portion (the border) of the representations that can be used to select characteristics of that representation are discussed more fully under the response to the rejection of Claim 2, *infra*. The Applicants believe the amended claims to be allowable.

The Office Action rejects Claims 2 and 8/2 (Claim 8 that depends on Claim 2) under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. in view of U.S. Patent No. 5,751,286 issued to Barber et al. (Barber et al.). The Examiner states that Pavley et al. teach that a representation together with a border area. The Examiner admits that Pavley et al. do not teach a response to a selection of the border area of a representation, wherein, the response is a selection of images having the same category within the sequence. The Examiner for the states that Barber et al. teach that a response to a selection of a border area of representation, said response selecting representations like the same category as the representation whose border has been selected. The Examiner refers to column 2, lines 64-64 of Barber et al. for teaching the building of a visual query of image content, column 12, lines 61-66 for categorizing border area, and column 3, lines 1-82 retrieving images with features corresponding to the selected image characteristic in the image area.

The Applicants, respectfully, point out that column 2, lines 64-66 of Barber et al.

that recited by the Examiner as an illustration of building visual query of image content is a specific area displayed on the surface having one or more image characteristic selection areas that allow the user to selected image characteristics. The user selects and moves image characteristics from a selection area to the image query area. The Applicants, respectfully, assert that the building of an image query area is taught by Barber et al. are not equivalent to implementing the border of images as selection tools wherein the characteristics of images whose border is selected are then displayed as recited by rejected Claim 2.

The Examiner cites column 12, lines 61-66 of Barber et al. for teaching the categorizing of border areas. The Applicant respectfully points out, that this portion of Barber et al. refers to the construction of the image query area (see column 12, lines 31-32). The Applicants respectfully point out that the construction of an area that contains characteristics of an image is not all the same as the selection of images having the same category as taught by the present invention as defined by rejected Claim 2, wherein the selection of categories takes place by simply selecting a border area to one of images, resulting in images having the same categorization as the selected image been displayed.

The Examiner for the states that column 3, lines 1-8 of Barber et al. teach the retrieving images with features corresponding to the selected image characteristic in the image area. The Applicants respectfully point out that this cited portion of Barber et al. is again referring to the construction of an image query area. Barber et al. teaches the construction of a image query area, the construction of an image query area is not at all the same as the selection of a category of images by selecting one image within that category. Moreover, none of the cited references teach selection via a border to the image. The present invention teaches selection of the individual image by selecting the image area itself and selecting a category of images via selection of the border to an individual image. Therefore, there are features to the present invention that are not found within the rejection made by the Office Action. Accordingly, this rejection is suspected traversed.

The Office Action rejects Claims 3 and 8/3 (Claim 8 that depends on Claim 3) under the provisions of 35 U.S.C. §103(a), as being unpatentable over Pavley et al., in view of U.S. Patent No. 5,237,648 issued to Mills et al. (hereinafter referred to as Mills et al.). The Applicants believe that the amendment to Claim 1 renders this rejection moot.

The Office Action rejects Claims 4 and 8/4 (Claim 8 that depends on Claim 4)

under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. in view of U.S. Patent No. 6,259,432 issued to Yamada et al. (hereinafter referred to as Yamada et al.). The Applicants believe that the amendment to Claim 1 renders this rejection moot.

The Office Action rejects Claims 5 and 8/5 (Claim 8 that depends on Claim 5) under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. in view of U.S. Patent No. 6,211,879 issued to Soohoo (hereinafter referred to as Soohoo). The Applicants believe that the amendment to Claim 1 renders this rejection moot.

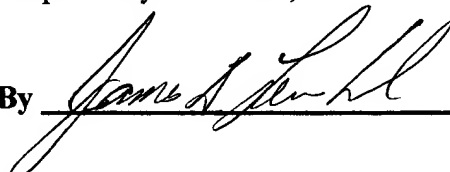
The Office Action rejects Claims 6 and 8/6 (Claim 8 that depends on Claim 6) under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. in view of U.S. Patent No. 6,437,802 issued to Kenny (hereinafter referred to as Kenny). The Applicants believe that the amendment to Claim 1 renders this rejection moot.

The foregoing amendment adds Claims 9-13 that are generally of similar scope as Claim 1-8. Therefore, new Claims 9-13 are believed to be allowable for the foregoing reason discussed with respect to Claims 1-8, above.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

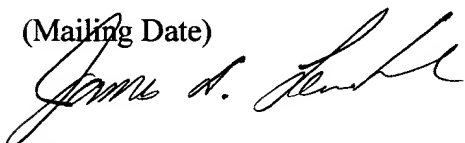
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop: Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

on: July 24, 2004

(Mailing Date)



(Signature)

